



February 6, 2009

SENATE BILL No. 506

DIGEST OF SB 506 (Updated February 4, 2009 7:11 pm - DI 87)

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 4-3; IC 4-23; IC 6-1.1; IC 13-11; IC 24-9; IC 36-1; IC 36-1.5; IC 36-2; IC 36-3; noncode.

Synopsis: Local government matters. Provides that in counties other than Marion County and Lake County, the county legislative body shall after October 31, 2009, and before November 15, 2009, adopt a resolution specifying that the voters of the county shall: (1) elect a single county chief executive officer who has the executive powers and duties of the county and a county council that has the legislative and fiscal powers and duties of the county; (2) elect a board of county supervisors that is a combined county executive, legislative, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county; or (3) choose one of these two options in a public question to be held in 2010. Provides that in counties other than Marion County and Lake County, county commissioners are eliminated effective January 1, 2013. Specifies that after December 31, 2012, in counties other than Marion County and Lake County, legislative powers currently exercised by a county's board of commissioners shall be exercised by the county council (in counties with a county council) or the board of county supervisors (in counties with such a board). Provides that in counties with a county chief executive officer, the initial county chief executive officer is elected at the November 2012 general election and takes office January 1, 2013. Provides that in counties with a board of county supervisors that is a combined county executive, legislative, and fiscal body, members are elected at the November 2012 general election (with staggered terms) and the members take office January 1, 2013. Provides that in counties with a

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Effective: Upon passage; July 1, 2009.

Boots

January 15, 2009, read first time and referred to Committee on Local Government.
February 5, 2009, amended, reported favorably — Do Pass.

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county chief executive officer, the county councils continue under existing law. Specifies that if the county legislative body adopts a resolution specifying that the voters of the county shall decide the structure of county government (or if the county legislative body fails to adopt any resolution), the voters of the county shall vote at the 2010 general election on whether: (1) the county shall have the government structure with a single county chief executive officer and a county council; or (2) the county shall have the government structure with a board of county supervisors that is a combined county executive, legislative, and fiscal body. Provides that the government structure chosen by a majority of the voters voting on the public question is effective January 1, 2013. Provides that after December 31, 2012, a county that has a board of county supervisors elected as the county executive, legislative, and fiscal body must employ a county manager. Requires an individual employed as county manager to attain Credentialed Manager Status from the International City/County Management Association not later than two years after the date the individual is employed as county manager. Provides that in counties other than Marion County, the county assessor shall after December 31, 2012, be appointed. Provides that in a county that has a board of county supervisors that is the combined executive, legislative, and fiscal body, the board of county supervisors shall appoint the individual who serves as county assessor. Provides that in a county that has a single county chief executive officer, the chief executive officer shall nominate and the county council shall appoint the individual who serves as county assessor. Provides that in Lake County, the board of commissioners shall nominate and the county council shall appoint the individual who serves as county assessor. Provides that the term of a county assessor elected in 2010 expires January 1, 2013. Prohibits a relative of: (1) a member of the county council, board of county supervisors, or the county chief executive officer from being appointed to serve as county assessor; and (2) an appointed county assessor from being employed with the office of the county assessor or receiving compensation for services from the office of county assessor. Requires the office of management and budget to establish an office of local technical assistance. Requires the office to: (1) promote sound fiscal, management, and operational practices in local government and assist units of local government in carrying out these practices; and (2) coordinate interaction between units of local government and state agencies. Requires the department of local government finance (DLGF) and the state board of accounts to consult with the office as the DLGF and the state board of accounts develop and adopt transition rules to assist units of local government that are consolidating entire units or specific functions. Requires the advisory commission on intergovernmental relations to monitor the progress of local governments in implementing the recommendations made by the commission on local government reform and prepare an annual report of its findings. Deletes the requirement that a copy of an interlocal cooperation agreement must be filed with the state board of accounts (state board). Repeals the requirement that counties and municipalities must prepare and submit to the state board an operational report concerning roads and streets. Repeals the requirement that the county clerk must prepare a monthly report that is submitted to the county auditor, the county executive, and the state board. Repeals the requirement that the county treasurer must prepare a monthly report that is submitted to the county auditor, county board of finance, county executive, and state board. Provides that if a proposed local government reorganization is initiated under the government modernization statutes by the voters of a political subdivision, approval of the legislative bodies of the affected political subdivisions is not required before a proposed reorganization plan may be prepared by a reorganization committee and placed on the ballot for a vote. Specifies

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that the circuit court clerk of the county in which the most populous political subdivision named in a reorganization resolution or petition is located shall appoint to the reorganization committee three residents of each political subdivision participating in the reorganization. Requires the Indiana advisory commission on intergovernmental relations to: (1) create recommended minimum objective professional qualifications and performance standards for elected county officials in Indiana; (2) create recommended best practices standards for the conduct of county government in Indiana; and (3) conduct a performance audit of county government in Indiana; and report the recommendations and results to the office of management and budget and the legislative council before November 1, 2010.

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February 6, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 506

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 22. "Executive" means:
3 (1) ~~board of county commissioners~~ for a county not having a
4 consolidated city **and not having a population of more than**
5 **four hundred thousand (400,000) but less than seven hundred**
6 **thousand (700,000):**
7 (A) **before January 1, 2013, the board of county**
8 **commissioners; and**
9 (B) **after December 31, 2012:**
10 (i) **the chief executive officer elected under IC 36-2-2.5**
11 **(in a county subject to IC 36-2-2.5); or**
12 (ii) **the board of county supervisors elected under**
13 **IC 36-2-3.8 (in a county subject to IC 36-2-3.8);**
14 (2) **the board of county commissioners, for a county having a**
15 **population of more than four hundred thousand (400,000) but**

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1 **less than seven hundred thousand (700,000);**

2 ~~(2)~~ **(3)** the mayor of the consolidated city, for a county having a
3 consolidated city;

4 ~~(3)~~ **(4)** the mayor, for a city;

5 ~~(4)~~ **(5)** the president of the town council, for a town; or

6 ~~(5)~~ **(6)** a trustee, for a township.

7 SECTION 2. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2009]: Sec. 21. **(a) This subsection applies to**
9 **elections before 2012.** A candidate for the office of county
10 commissioner must:

11 (1) have resided in the county for at least one (1) year before the
12 election, as provided in Article 6, Section 4 of the Constitution of
13 the State of Indiana; and

14 (2) have resided in the district in which seeking election, if
15 applicable, for at least six (6) months before the election.

16 **(b) This subsection applies to elections after 2011 in a county in**
17 **which a county chief executive officer is elected under IC 36-2-2.5.**
18 **A candidate for the office of county chief executive officer must**
19 **have resided in the county for at least one (1) year before the**
20 **election, as provided in Article 6, Section 4 of the Constitution of**
21 **the State of Indiana.**

22 SECTION 3. IC 3-8-1-23, AS AMENDED BY P.L.146-2008,
23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2009]: Sec. 23. (a) Subject to subsection (b), a candidate for
25 the office of county assessor must:

26 (1) have resided in the county for at least one (1) year before the
27 election, as provided in Article 6, Section 4 of the Constitution of
28 the State of Indiana; and

29 (2) own real property located in the county upon taking office.

30 (b) A candidate for the office of county assessor who runs in an
31 election after June 30, 2008, must have attained the certification of a
32 level two assessor-appraiser under IC 6-1.1-35.5.

33 (c) A candidate for the office of county assessor who runs in an
34 election after January 1, 2012, must have attained the certification of
35 a level three assessor-appraiser under IC 6-1.1-35.5.

36 **(d) In a county not having a consolidated city, a county assessor:**

37 **(1) shall be appointed after December 31, 2012, by the county**
38 **council or the board of county supervisors as provided in**
39 **IC 36-2-15-2(e); and**

40 **(2) shall not be elected after 2010.**

41 SECTION 4. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

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- (F) Circuit court clerk.
- (4) **The following** county offices:
- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor. **However, in a county not having a consolidated city a county assessor shall not be elected after 2010.**
- (H) County commissioner. **However, for elections after 2010, county commissioners shall be elected only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**
- (I) **In a county that has a single elected chief executive officer (as determined under IC 36-2-2.4 or IC 36-2-3.9), the county chief executive officer for elections in 2012 and thereafter.**
- (J) County council member (in a county subject to IC 36-2-3.7).
- (K) Board of county supervisors member (in a county subject to IC 36-2-3.8).
- (5) Township offices:
- (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.
- (6) City offices:
- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.
- (7) Town offices:
- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.
- (c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

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(1) Precinct committeeman.

(2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

(1) School board offices to be elected at the primary election.

(2) Other local offices to be elected at the primary election.

(3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 5. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

(4) County treasurer.

(5) County sheriff.

(6) County coroner.

(7) County surveyor.

(8) County assessor. **However, in a county not having a consolidated city a county assessor shall not be elected after 2010.**

(9) County commissioner. **However, for elections after 2010, county commissioners shall be elected only in a county having**

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a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(10) In a county that has a single elected chief executive officer (as determined under IC 36-2-2.4 or IC 36-2-3.9), the county chief executive officer for elections in 2012 and thereafter.

~~(10)~~ (11) County council member (in a county subject to IC 36-2-3.7).

(12) Board of county supervisors member (in a county subject to IC 36-2-3.8).

~~(11)~~ (13) Township trustee.

~~(12)~~ (14) Township board member.

~~(13)~~ (15) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

~~(14)~~ (16) Judge of a small claims court.

~~(15)~~ (17) Constable of a small claims court.

SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as

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- 1 required by IC 33-30-3-3.
 2 (E) Prosecuting attorney.
 3 (F) Clerk of the circuit court.
 4 **(4) The following county offices:**
 5 (A) County auditor.
 6 (B) County recorder.
 7 (C) County treasurer.
 8 (D) County sheriff.
 9 (E) County coroner.
 10 (F) County surveyor.
 11 (G) County assessor. **However, in a county not having a**
 12 **consolidated city a county assessor shall not be elected**
 13 **after 2010.**
 14 (H) County commissioner. **However, for elections after 2010,**
 15 **county commissioners shall be elected only in a county**
 16 **having a population of more than four hundred thousand**
 17 **(400,000) but less than seven hundred thousand (700,000).**
 18 **(I) In a county that has a single elected chief executive**
 19 **officer (as determined under IC 36-2-2.4 or IC 36-2-3.9),**
 20 **the county chief executive officer for elections in 2012 and**
 21 **thereafter.**
 22 ~~(H)~~ **(J) County council member (in a county subject to**
 23 **IC 36-2-3.7).**
 24 **(K) Board of county supervisors member (in a county**
 25 **subject to IC 36-2-3.8).**
 26 **(5) Township offices:**
 27 (A) Township assessor (only in a township referred to in
 28 IC 36-6-5-1(d)).
 29 (B) Township trustee.
 30 (C) Township board member.
 31 (D) Judge of the small claims court.
 32 (E) Constable of the small claims court.
 33 **(6) City offices:**
 34 (A) Mayor.
 35 (B) Clerk or clerk-treasurer.
 36 (C) Judge of the city court.
 37 (D) City-county council member or common council member.
 38 **(7) Town offices:**
 39 (A) Clerk-treasurer.
 40 (B) Judge of the town court.
 41 (C) Town council member.
 42 **SECTION 7. IC 4-3-22-17 IS ADDED TO THE INDIANA CODE**

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2009]: **Sec. 17. (a) The office of local technical assistance is**
3 **established as a division within the OMB. The director shall**
4 **appoint, subject to the approval of the governor, a director of the**
5 **office, who serves at the pleasure of the director of the OMB.**

6 **(b) The office of local technical assistance shall do the following:**

7 **(1) Promote sound fiscal, management, and operational**
8 **practices in local government and assist units of local**
9 **government in carrying out these practices.**

10 **(2) Coordinate interaction between units of local government**
11 **and state agencies.**

12 **(c) The department of local government finance and the state**
13 **board of accounts shall consult with the office of local technical**
14 **assistance as the department of local government finance and the**
15 **state board of accounts develop and adopt transition rules to assist**
16 **units of local government that are consolidating entire units or**
17 **specific functions.**

18 SECTION 8. IC 4-23-24.2-5.1 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2009]: **Sec. 5.1. (a) The commission shall do**
21 **the following:**

22 **(1) Monitor the progress of local governments in**
23 **implementing the recommendations made in the December**
24 **11, 2007, final report of the Indiana commission on local**
25 **government reform entitled "Streamlining Local**
26 **Government".**

27 **(2) Conduct any necessary additional research concerning**
28 **implementing the reorganization of local governments.**

29 **(b) The commission shall, not later than July 1 of each year,**
30 **submit an annual report of its findings under subsection (a)(1) to**
31 **the governor and the legislative council. The report to the**
32 **legislative council must be in an electronic format under IC 5-14-6.**

33 **(c) This section expires January 1, 2014.**

34 SECTION 9. IC 4-23-24.2-5.2 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2009]: **Sec. 5.2. (a) The commission shall do**
37 **the following:**

38 **(1) Create recommended minimum objective professional**
39 **qualifications and performance standards for elected county**
40 **officials in Indiana.**

41 **(2) Create recommended minimum competency standards for**
42 **members of the board of county supervisors.**

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1 (3) Create recommended best practices standards for the
2 conduct of county government in Indiana.

3 (4) Conduct a performance audit of county government in
4 Indiana.

5 (b) The commission shall submit a report of the
6 recommendations and result of the performance audit to the office
7 of management and budget and the legislative council before
8 November 1, 2010, in an electronic format under IC 5-14-6.

9 (c) This section expires January 1, 2011.

10 SECTION 10. IC 6-1.1-27-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) On or before June
12 20th and December 20th of each year, the county auditor and the
13 county treasurer shall meet in the office of the county auditor. ~~Before~~
14 ~~each semi-annual meeting, the county auditor shall complete an audit~~
15 ~~of the county treasurer's monthly reports required under IC 36-2-10-16.~~
16 ~~In addition,~~ The county auditor shall:

17 (1) prepare a certificate of settlement on the form prescribed by
18 the state board of accounts; and

19 (2) deliver the certificate of settlement to the county treasurer at
20 least two (2) days before each semi-annual meeting.

21 (b) If any county treasurer or auditor refuses, neglects, or fails to
22 distribute tax money due to a tax unit on or before the fifty-first day
23 immediately following each property tax due date under IC 6-1.1-22-9
24 or IC 6-1.1-37-10, whichever applies, the county treasurer and auditor
25 shall pay to the taxing unit from the county general fund interest on the
26 taxing unit's undistributed tax money if the county treasurer and auditor
27 invest undistributed tax money in an interest bearing investment. The
28 amount of interest to be paid equals the taxing unit's proportionate
29 share of the actual amount of interest which is received from
30 investments of the undistributed tax money from the fifty-second day
31 immediately following the property tax due date under IC 6-1.1-22-9
32 or IC 6-1.1-37-10, whichever applies, to the date that the tax money is
33 distributed.

34 SECTION 11. IC 13-11-2-74 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 74. "Executive" means
36 the following:

37 (1) ~~Before January 1, 2013, the~~ board of commissioners of a
38 county not having a consolidated city.

39 (2) ~~After December 31, 2012:~~

40 (A) the chief executive officer, in a county subject to
41 IC 36-2-2.5;

42 (B) board of county supervisors, in a county subject to

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1 **IC 36-2-3.8; or**

2 **(C) the board of commissioners in a county having a**
 3 **population of more than four hundred thousand (400,000)**
 4 **but less than seven hundred thousand (700,000).**

5 ~~(2)~~ **(3) The** mayor of the consolidated city, for a county having a
 6 consolidated city.

7 ~~(3)~~ **(4) The** mayor of a city. ~~or~~

8 ~~(4)~~ **(5) The** president of the town council of a town.

9 SECTION 12. IC 24-9-9-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. On or before June 20
 11 and December 20 of each year, ~~after completing an audit of the county~~
 12 ~~treasurer's monthly reports required by IC 36-2-10-16~~, the county
 13 auditor shall distribute to the auditor of state two dollars and fifty cents
 14 (\$2.50) of the mortgage recording fee collected under
 15 IC 36-2-7-10(b)(11) for each mortgage recorded by the county
 16 recorder. The auditor of state shall deposit the money in the state
 17 general fund to be distributed as described in section 4 of this chapter.

18 SECTION 13. IC 36-1-2-5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. "Executive" means
 20 **the following:**

21 **(1) Before January 1, 2013, the** board of commissioners for a
 22 county not having a consolidated city.

23 **(B) After December 31, 2012:**

24 **(i) the chief executive officer, in a county subject to**
 25 **IC 36-2-2.5;**

26 **(ii) board of county supervisors, in a county subject to**
 27 **IC 36-2-3.8; or**

28 **(iii) the board of commissioners in a county having a**
 29 **population of more than four hundred thousand (400,000)**
 30 **but less than seven hundred thousand (700,000).**

31 ~~(2)~~ **(3) The** mayor of the consolidated city, for a county having a
 32 consolidated city;

33 ~~(3)~~ **(4) The** mayor, for a city;

34 ~~(4)~~ **(5) The** president of the town council, for a town;

35 ~~(5)~~ **(6) The** trustee, for a township;

36 ~~(6)~~ **(7) The** superintendent, for a school corporation; or

37 ~~(7)~~ **(8) The** chief executive officer, for any other political
 38 subdivision.

39 SECTION 14. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2009]: Sec. 9. "Legislative body" means the **following:**

42 **(1) Before January 1, 2013:**

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- 1 (A) the board of county commissioners, for a county not
- 2 subject to IC 36-2-3.5 or IC 36-3-1; or
- 3 ~~(2) (B) the county council, for a county subject to IC 36-2-3.5.~~
- 4 (2) After December 31, 2012, for a county not having a
- 5 consolidated city:
- 6 (A) the county council, for a county subject to IC 36-2-3.7;
- 7 (B) the county council, for a county having a population of
- 8 more than four hundred thousand (400,000) but less than
- 9 seven hundred thousand (700,000); or
- 10 (C) the board of county supervisors, for a county subject
- 11 to IC 36-2-3.8.
- 12 (3) The city-county council, for a consolidated city or county
- 13 having a consolidated city.
- 14 (4) The common council, for a city other than a consolidated city.
- 15 (5) The town council, for a town.
- 16 (6) The township board, for a township.
- 17 (7) The governing body of any other political subdivision that has
- 18 a governing body. or
- 19 (8) The chief executive officer of any other political subdivision
- 20 that does not have a governing body.
- 21 SECTION 15. IC 36-1-3-6 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) If there is a
- 23 constitutional or statutory provision requiring a specific manner for
- 24 exercising a power, a unit wanting to exercise the power must do so in
- 25 that manner.
- 26 (b) If there is no constitutional or statutory provision requiring a
- 27 specific manner for exercising a power, a unit wanting to exercise the
- 28 power must either:
- 29 (1) if the unit is a county or municipality, adopt an ordinance
- 30 prescribing a specific manner for exercising the power;
- 31 (2) if the unit is a township, adopt a resolution prescribing a
- 32 specific manner for exercising the power; or
- 33 (3) comply with a statutory provision permitting a specific manner
- 34 for exercising the power.
- 35 (c) An ordinance under subsection (b)(1) must be adopted as
- 36 follows:
- 37 (1) In a municipality, by the legislative body of the municipality.
- 38 (2) By the following, for county ordinances adopted before
- 39 January 1, 2013:
- 40 (A) In a county subject to IC 36-2-3.5 or IC 36-3-1, by the
- 41 legislative body of the county.
- 42 ~~(3) (B) In any other county, by the executive of the county.~~

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(3) By the legislative body of the county, for county ordinances adopted after December 31, 2012.

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

SECTION 16. IC 36-1-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. Before it takes effect, an agreement under section 3 of this chapter must be recorded with the county recorder. ~~Not later than sixty (60) days after it takes effect, such an agreement must be filed with the state board of accounts for audit purposes.~~

SECTION 17. IC 36-1.5-2-3, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. "Plan of reorganization" refers to a plan of reorganization approved **under this article** by:

- (1) the legislative body of each reorganizing political subdivision, ~~under this article;~~ **in the case of a reorganization initiated by a legislative body under IC 36-1.5-4-10; or**
- (2) **a reorganization committee, in the case of a reorganization initiated by the voters of a political subdivision under IC 36-1.5-4-11.**

SECTION 18. IC 36-1.5-4-11, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivision that:

- (1) proposes a reorganization; and
- (2) names the political subdivisions that would be reorganized in the proposed reorganization.

(b) If the written petition is signed by at least five percent (5%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election, the clerk of the political subdivision shall certify the petition to:

- (1) the legislative body of the political subdivision;
- (2) **the clerk of each of the other political subdivisions named in the petition; and**
- (3) **the circuit court clerk of the county in which the most populous political subdivision named in the petition is located.**

SECTION 19. IC 36-1.5-4-13, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The legislative body of a political

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subdivision that receives a certified resolution under section 10 ~~or 12~~
of this chapter may do any of the following:

(1) Adopt a resolution declining to participate in a proposed reorganization.

(2) Adopt a substantially identical resolution proposing to participate in a proposed reorganization with the political subdivisions named in a resolution certified to the political subdivision.

(3) Adopt a resolution proposing to participate in a proposed reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in a resolution certified to the political subdivision.

(b) In the case of a resolution adopted under this section proposing to participate in a proposed reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:

(1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or

(2) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.

(c) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

SECTION 20. IC 36-1.5-4-14, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The legislative body of a political subdivision may revise a resolution certified under section 10 ~~12~~, or 13 of this chapter by adding or deleting proposed parties to the reorganization until all of the political subdivisions named in the resolution have adopted substantially identical reorganization resolutions.

SECTION 21. IC 36-1.5-4-15, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. Not later than:

(1) thirty (30) days after the clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the substantially identical resolution to all of the political subdivisions named in the resolution, in the case of a reorganization initiated by a legislative body under section 10 of this chapter; or

(2) thirty (30) days after the petition under section 11 of this chapter is certified, in the case of a reorganization initiated by

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1 **the voters of a political subdivision under section 11 of this**
 2 **chapter;**

3 the reorganizing political subdivisions **circuit court clerk of the**
 4 **county in which the most populous political subdivision named in**
 5 **the reorganization resolution or petition is located** shall appoint the
 6 number of individuals as specified in section 16 of this chapter to serve
 7 on a reorganization committee to develop a plan of reorganization for
 8 the reorganizing political subdivisions.

9 SECTION 22. IC 36-1.5-4-16, AS ADDED BY P.L.186-2006,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2009]: Sec. 16. (a) ~~Members shall be appointed to a~~
 12 ~~reorganization committee as follows:~~

13 (1) ~~In accordance with an agreement adopted by the reorganizing~~
 14 ~~political subdivisions. An agreement under this subdivision must~~
 15 ~~provide that not more than a simple majority of the members~~
 16 ~~appointed by each political subdivision may be members of the~~
 17 ~~same political party.~~

18 (2) ~~If an agreement does not provide for the membership of a~~
 19 ~~reorganization committee under this chapter, The clerk of the~~
 20 ~~circuit court described in section 15 of this chapter shall~~
 21 ~~appoint to a reorganization committee three (3) members shall~~
 22 ~~be appointed by the executive residents of each political~~
 23 ~~subdivision participating in the reorganization. Not more than two~~
 24 (2) of the members appointed by an **executive as residents** of a
 25 **particular** political subdivision may be members of the same
 26 political party.

27 (b) The members of a reorganization committee serve at the
 28 pleasure of the ~~appointing authority. clerk of the circuit court.~~ The
 29 reorganization committee shall select a chairperson and any other
 30 officers that the reorganization committee determines necessary from
 31 the members of the reorganization committee.

32 (c) The members of a reorganization committee serve without
 33 compensation. The members, however, are entitled to reimbursement
 34 from the reorganizing political subdivisions for the necessary expenses
 35 incurred in the performance of their duties.

36 (d) The reorganizing political subdivisions shall provide necessary
 37 office space, supplies, and staff to the reorganization committee. The
 38 reorganizing political subdivisions may employ attorneys, accountants,
 39 consultants, and other professionals for the reorganization committee.

40 (e) Except as otherwise provided in an agreement adopted by the
 41 reorganizing political subdivisions, claims for expenditures for the
 42 reorganization committee shall be made to the fiscal officer for the

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reorganizing political subdivision with the largest population. The fiscal officer shall pay the necessary expenditures and obtain reimbursement from the reorganizing political subdivisions:

- (1) in accordance with an agreement adopted by the reorganizing political subdivisions; or
- (2) in the absence of an agreement, in proportion to the population of each reorganizing political subdivision.

SECTION 23. IC 36-1.5-4-18, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A reorganization committee shall prepare a comprehensive plan of reorganization for the reorganizing political subdivisions. The plan of reorganization governs the actions, duties, and powers of the reorganized political subdivision that are not specified by law.

(b) The plan of reorganization must include at least the following:

- (1) The name and a description of the reorganized political subdivision that will succeed the reorganizing political subdivisions.
- (2) A description of the boundaries of the reorganized political subdivision.
- (3) Subject to section 40 of this chapter, a description of the taxing areas in which taxes to retire obligations of the reorganizing political subdivisions will be imposed.
- (4) A description of the membership of the legislative body, fiscal body, and executive of the reorganized political subdivision, a description of the election districts or appointment districts from which officers will be elected or appointed, and the manner in which the membership of each elected or appointed office will be elected or appointed.
- (5) A description of the services to be offered by the reorganized political subdivision and the service areas in which the services will be offered.
- (6) The disposition of the personnel, the agreements, the assets, and, subject to section 40 of this chapter, the liabilities of the reorganizing political subdivisions, including the terms and conditions upon which the transfer of property and personnel will be achieved.
- (7) Any other matter that the:
 - (A) reorganization committee determines to be necessary or appropriate; or
 - (B) legislative bodies of the reorganizing political subdivisions require the reorganization committee;

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to include in the plan of reorganization.

(8) In the case of a reorganization described in section 1(a)(9) of this chapter **that is initiated by a legislative body under section 10 of this chapter**, if the legislative bodies of the reorganizing political subdivisions have specified that the vote on the public question regarding the reorganization shall be conducted on a countywide basis under section 30(b) of this chapter with a rejection threshold, the reorganization committee shall include in the reorganization plan a rejection threshold, specified as a percentage, that applies for purposes of section 32(b) of this chapter. The rejection threshold must be the same for each municipality that is a party to the proposed reorganization and ~~to~~ **for the county that is a party to the proposed reorganization. In the case of a reorganization described in section 1(a)(9) of this chapter that is initiated by the voters of a political subdivision under section 11 of this chapter, the reorganization committee shall determine whether the reorganization shall be conducted on a countywide basis under section 30(b) of this chapter with a rejection threshold and, if so, the reorganization committee shall also include in the reorganization plan a rejection threshold, specified as a percentage, that applies for purposes of section 32(b) of this chapter. The rejection threshold must be the same for each municipality that is a party to the proposed reorganization and for the county that is a party to the proposed reorganization.**

(9) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee shall determine and include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote, on a countywide basis, in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the "countywide vote approval percentage". The countywide vote approval percentage must be greater than fifty percent (50%).

(c) In the case of a reorganization described in section 1(a)(9) of this chapter **that is initiated by a legislative body under section 10 of this chapter**, the reorganization committee may not change the decision of the legislative bodies of the reorganizing political subdivisions regarding whether the vote on the public question regarding the reorganization shall be conducted on a countywide basis without a rejection threshold or with a rejection threshold.

(d) **This subsection applies only to a reorganization initiated by**

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a legislative body under section 10 of this chapter. Upon completion of the plan of reorganization, the reorganization committee shall present the plan of reorganization to the legislative body of each of the reorganizing political subdivisions for adoption. The initial plan of reorganization must be submitted to the legislative body of each of the reorganizing political subdivisions not later than one (1) year after the clerk of the last political subdivision that adopts a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution.

(e) In the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter, the reorganization committee shall hold at least one (1) public hearing on the plan of reorganization in each political subdivision named in the petition.

SECTION 24. IC 36-1.5-4-19, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. **(a) This section applies only to a reorganization initiated by a legislative body under section 10 of this chapter.**

(b) The legislative body of each of the reorganizing political subdivisions shall provide for the following:

(1) Consideration of a plan of reorganization presented by a reorganization committee in the form of a resolution incorporating the plan of reorganization in full or by reference.

(2) Reading of the resolution incorporating the plan of reorganization in at least two (2) separate meetings of the legislative body of the political subdivision.

(3) Conducting a public hearing on the plan of reorganization:

(A) not sooner than five (5) days after notice of the public hearing is published under IC 5-3-1; and

(B) before the legislative body takes final action on the resolution to adopt the plan of reorganization.

SECTION 25. IC 36-1.5-4-20, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. **(a) This section applies only to a reorganization initiated by a legislative body under section 10 of this chapter.**

(b) At a public hearing on a plan of reorganization conducted under section 19 of this chapter, or in a public meeting held not more than thirty (30) days after the public hearing concludes, a legislative body of a reorganizing political subdivision shall do one (1) of the following:

(1) Adopt the plan of reorganization as presented to the legislative

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body.

(2) Adopt the plan of reorganization with modifications.

(3) Reject the plan of reorganization and order a reorganization committee to submit a new plan of reorganization within thirty (30) days after the legislative body rejects the plan of reorganization.

SECTION 26. IC 36-1.5-4-21, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. **(a) This section applies only to a reorganization initiated by a legislative body under section 10 of this chapter.**

(b) Any modifications in a plan of reorganization that are adopted by a legislative body of a reorganizing political subdivision must be adopted by the legislative body of each of the reorganizing political subdivisions before the modifications are effective.

SECTION 27. IC 36-1.5-4-22, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. **(a) This section applies only to a reorganization initiated by a legislative body under section 10 of this chapter.**

(b) The legislative body of each reorganizing political subdivision shall take any of the actions described in section 20 of this chapter on a revised plan of reorganization submitted by a reorganization committee and each resolution modifying a plan of reorganization or revised plan of reorganization in the same manner as the legislative body may take action on the initially submitted plan of reorganization.

SECTION 28. IC 36-1.5-4-23, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. **(a) This subsection applies only to a reorganization initiated by a legislative body under section 10 of this chapter.** The legislative body of a reorganizing political subdivision shall certify the legislative body's final action on a plan of reorganization or revised plan of reorganization, as modified by the legislative body, in the manner prescribed by the department of local government finance, to the following:

(1) The chair of the reorganization committee.

(2) The clerk of each reorganizing political subdivision.

(3) The county fiscal officer of each county in which a reorganizing political subdivision is located.

(4) The county recorder of each county in which a reorganizing political subdivision is located.

(b) This subsection applies only to a reorganization initiated by

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the voters of a political subdivision under section 11 of this chapter. The reorganization committee shall certify the reorganization committee's final action on a plan of reorganization or revised plan of reorganization, to the following:

(1) The clerk of each reorganizing political subdivision.

(2) The county fiscal officer of each county in which a reorganizing political subdivision is located.

(3) The county recorder of each county in which a reorganizing political subdivision is located.

SECTION 29. IC 36-1.5-4-23.5, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23.5. (a) This section applies only to a reorganization initiated by a legislative body under section 10 of this chapter.

(b) The following apply if the legislative bodies of all political subdivisions that have been presented with a plan of reorganization under section 18(d) of this chapter have not adopted a plan of reorganization, either as presented by the reorganization committee or as modified by all of the political subdivisions, within one (1) year after the initial plan of reorganization is presented:

(1) Not later than one (1) month after the end of the one (1) year period in which the legislative bodies must adopt a plan of reorganization, the reorganization committee shall submit a final plan of reorganization to the legislative bodies of the political subdivisions.

(2) Not later than one (1) month after receiving the final plan of reorganization under subdivision (1), each of the legislative bodies must:

(A) hold a hearing on the final plan of reorganization; and

(B) adopt either a resolution approving the final plan of reorganization or a resolution rejecting the final plan of reorganization.

If a legislative body does not adopt a resolution under this subdivision within the one (1) month period, the failure to adopt a resolution is considered to be an approval of the final plan of reorganization.

(3) If a legislative body adopts a resolution approving the final plan of reorganization, the legislative body shall certify its approval under section 23 of this chapter.

(4) If any of the legislative bodies adopts a resolution rejecting the final plan of reorganization, the registered voters of a political subdivision in which the final plan of reorganization was rejected

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by a legislative body under subdivision (2) may submit a petition to the clerk of the circuit court approving the final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted not later than one hundred eighty (180) days after the legislative body voted to reject the final plan of reorganization. If the petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election:

(A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and

(B) the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question in the manner specified in section 23 of this chapter.

SECTION 30. IC 36-1.5-4-24, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The legislative body of the reorganizing political subdivision with the largest population **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter) or the reorganization committee (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter)** shall provide for a certified copy of the plan of reorganization to be filed with each of the following at the same time certifications are made under section 23 of this chapter **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter) or not later than fifteen (15) days after the reorganization plan is approved (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter):**

(1) The county recorder of each county in which a reorganizing political subdivision is located.

(2) The department of local government finance.

(3) If any of the reorganizing political subdivisions is a school corporation, the department of education.

(4) If the plan of reorganization changes any election district or abolishes an elected office, the clerk of the circuit court in each county affected by the election district or elected office.

SECTION 31. IC 36-1.5-4-25, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 25. Each county recorder receiving a certification under section 23 of this chapter, ~~either~~ from:

(1) the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter); or**

(2) a reorganization committee (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter);

shall record the certification and the plan of reorganization in the records of the county recorder without charge.

SECTION 32. IC 36-1.5-4-26, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. When a county recorder has received certifications under this chapter from:

(1) all of the reorganizing political subdivisions, either from the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter); or**

(2) a reorganization committee (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter);

the county recorder shall notify the county election board of each county in which a reorganizing political subdivision is located that a public question on a plan of reorganization is eligible to be placed on the ballot for consideration of the voters of each of the reorganizing political subdivisions or (in the case of a reorganization described in section 1(a)(9) of this chapter) for consideration by the voters of the entire county.

SECTION 33. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Before January 1, 2013**, this chapter applies to all counties not having a consolidated city.

(b) After December 31, 2012, this chapter applies only to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

SECTION 34. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

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Chapter 2.4. Determination of County Government Structure

Sec. 1. (a) This chapter applies only to a county not having a consolidated city.

(b) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. After October 31, 2009, and before November 15, 2009, the county legislative body of each county subject to this chapter shall after a public hearing adopt a resolution specifying that:

(1) the voters of the county shall elect:

(A) a single county chief executive officer under IC 36-2-2.5 who has the executive powers and duties of the county; and

(B) a county council that has the legislative and fiscal powers and duties of the county;

(2) the voters of the county shall elect a board of county supervisors under IC 36-2-3.8 that is a combined county executive, legislative, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county; or

(3) the voters of the county shall decide the structure of county government in a public question under IC 36-2-3.9.

SECTION 35. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 2.5. County Chief Executive Officer

Sec. 1. (a) Except as specifically provided by law, this chapter applies after December 31, 2012, to each county:

(1) that does not have a consolidated city; and

(2) in which:

(A) the county legislative body makes a determination under IC 36-2-2.4; or

(B) a majority of the voters voting on the public question under IC 36-2-3.9 make a determination;

that the county executive is a single county chief executive officer.

(b) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. As used in this chapter, "chief executive officer" means the chief executive officer elected under IC 3-10-2-13 in 2012 and every four (4) years thereafter.

Sec. 3. (a) In a county subject to this chapter:

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1 (1) the voters of the county:

2 (A) shall elect one (1) chief executive officer in 2012 and
3 every four (4) years thereafter; and

4 (B) shall not elect a board of county commissioners;
5 under IC 3-10-2-13;

6 (2) the board of county commissioners for the county is
7 abolished December 31, 2012;

8 (3) notwithstanding IC 36-2-2-3, the term of each county
9 commissioner elected in 2010 is two (2) years rather than four
10 (4) years; and

11 (4) notwithstanding IC 36-2-2-3, the term of each county
12 commissioner serving on December 31, 2012, expires January
13 1, 2013.

14 (b) The term of office of the initial county chief executive
15 officer:

16 (1) is four (4) years; and

17 (2) begins January 1, 2013.

18 (c) The term of office of a county chief executive officer is four
19 (4) years, beginning January 1 after election and continuing until
20 a successor is elected and qualified.

21 (d) To be eligible for election as the chief executive officer, an
22 individual must meet the qualifications prescribed by IC 3-8-1-21.
23 If an individual does not remain a resident of the county after
24 taking office as the chief executive officer, the individual forfeits
25 the office. The county legislative body shall declare the office
26 vacant whenever the chief executive officer forfeits office under
27 this subsection.

28 (e) On January 1, 2013, in a county subject to this chapter, all
29 of the property, assets, funds, equipment, records, rights, contracts,
30 obligations, and liabilities of the board of county commissioners of
31 a county are transferred to or assumed by the chief executive
32 officer.

33 (f) The abolishment of the board of county commissioners of a
34 county on January 1, 2013, does not invalidate:

35 (1) any ordinances, resolutions, fees, schedules, or other
36 actions adopted or taken by the board of county
37 commissioners before January 1, 2013; or

38 (2) any appointments made by the board of county
39 commissioners before January 1, 2013.

40 Sec. 4. (a) All powers and duties of the county that are executive
41 or administrative in nature shall be exercised or performed by the
42 chief executive officer, except to the extent that these powers and

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1 duties are expressly assigned by law to another elected or
 2 appointed officer. The chief executive officer shall transact the
 3 business of the county in the name of "The Chief Executive Officer
 4 of the County of _____".

5 (b) For purposes of a county subject to this chapter, after
 6 December 31, 2012, any reference:

7 (1) in the Indiana Code;

8 (2) in the Indiana Administrative Code; or

9 (3) in an ordinance or resolution;

10 to the board of commissioners pertaining to the executive powers
 11 of a county shall be considered a reference to the chief executive
 12 officer of the county. For purposes of a county subject to this
 13 chapter, after December 31, 2012, any reference in the Indiana
 14 Code related to the executive powers and duties of the board of
 15 county commissioners shall, for purposes of a county subject to this
 16 chapter, be considered a reference to the powers and duties of the
 17 chief executive officer of the county.

18 (c) The county council has the legislative powers and duties of
 19 the county as provided in IC 36-2-3.7.

20 Sec. 5. The chief executive officer shall do the following:

21 (1) Report on the condition of the county before March 1 of
 22 each year to the county legislative body and to the residents of
 23 the county.

24 (2) Recommend before March 1 of each year to the county
 25 legislative body any action or program the chief executive
 26 officer considers necessary for the improvement of the county
 27 and the welfare of county residents.

28 (3) Submit to the county legislative body an annual budget in
 29 accordance with IC 36-2-5.

30 (4) Establish the procedures to be followed by all county
 31 departments, offices, and agencies under the chief executive
 32 officer's jurisdiction to the extent these procedures are not
 33 expressly assigned by law to another elected or appointed
 34 officer.

35 (5) Administer all statutes, ordinances, and regulations
 36 applicable to the county, to the extent the administration of
 37 these matters is not expressly assigned by law to another
 38 elected or appointed officer.

39 (6) Supervise the care and custody of all county property.

40 (7) Supervise the collection of revenues and control all
 41 disbursements and expenditures, and prepare a complete
 42 account of all expenditures, to the extent these matters are not

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expressly assigned by law to another elected or appointed officer.

(8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report and recommend on these to the county legislative body by March 15 of each year.

(9) Negotiate contracts for the county.

(10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.

(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Do the following in January of each year:

(A) Make a settlement with the county treasurer for the preceding calendar year and include a copy of the settlement sheet in the order book of the chief executive officer.

(B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to the chief executive officer by statute or ordinance.

Sec. 6. The chief executive officer may do any of the following:

(1) Order any department, office, or agency under the chief executive officer's jurisdiction to undertake any task for another department, office, or agency under the chief executive officer's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

(3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.

(4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.

(5) Make orders concerning county property, including orders for:

(A) the sale of the county's public buildings and the

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1 acquisition of land in the county seat on which to build new
2 public buildings; and

3 (B) the acquisition of land for a public square and the
4 maintenance of that square.

5 However, a conveyance or purchase by a county of land
6 having a value of one thousand dollars (\$1,000) or more must
7 be authorized by an ordinance of the county legislative body
8 fixing the terms and conditions of the transaction.

9 Sec. 7. (a) The chief executive officer shall establish and
10 maintain a county courthouse, county jail, and public offices for
11 the county clerk, the county auditor, the county recorder, the
12 county treasurer, the county sheriff, and the county surveyor.

13 (b) Offices for the surveyor must be in the courthouse or at the
14 county seat.

15 (c) Offices for the sheriff may be located:

16 (1) in the courthouse;

17 (2) inside the corporate limits of the county seat; or

18 (3) outside the corporate limits of the county seat but within
19 the limits of the county.

20 Sec. 8. (a) The chief executive officer may grant licenses,
21 permits, or franchises for the use of county property if the licenses,
22 permits, or franchises:

23 (1) are not exclusive;

24 (2) are of a definite duration; and

25 (3) are assignable only with the consent of the chief executive
26 officer.

27 (b) If a public utility or municipally owned or operated utility
28 that carries on business outside the corporate boundaries of
29 municipalities in the county is engaged in an activity substantially
30 similar to that for which a license, permit, or franchise for the use
31 of county property is sought, the chief executive officer may grant
32 the license, permit, or franchise only with the consent of the utility
33 regulatory commission. The commission may give its consent only
34 if it determines, after a public hearing of all interested parties, that
35 public necessity and convenience require the substantially similar
36 activity.

37 (c) The provisions of this section that concern securing the
38 consent of the utility regulatory commission do not apply to
39 municipally owned or operated utilities.

40 Sec. 9. Notwithstanding any other law, if a statute requires a
41 county executive to take an executive action by ordinance or
42 resolution, a chief executive officer shall instead take the action by

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1 issuing an executive order.

2 **Sec. 10. (a)** If the chief executive officer is disqualified from
3 acting in a quasi-judicial proceeding, the chief executive officer
4 shall cease to act in that proceeding. Not later than ten (10) days
5 after the finding that the chief executive officer is disqualified to
6 act in a proceeding, the county auditor shall send a certified copy
7 of the record of the proceeding to the judge of the circuit court for
8 the county. If the judge affirms the disqualification of the chief
9 executive officer, the judge shall appoint a disinterested and
10 competent person to serve as a special executive in the proceeding.

11 **(b)** A person who consents to serve as a special executive must
12 have the same qualifications as an elected chief executive officer.
13 The person's appointment and oath shall be filed with the county
14 auditor and entered on the records of the chief executive officer. A
15 person appointed as special executive may conduct the proceeding
16 until a final determination is reached.

17 **Sec. 11.** The chief executive officer shall keep the chief executive
18 officer's office open on each business day.

19 **Sec. 12.** Appointments made by the chief executive officer shall
20 be certified by the county auditor, under the seal of the chief
21 executive officer.

22 **Sec. 13. (a)** The chief executive officer may employ a person:

23 **(1)** to perform a duty required of a county officer by statute;
24 or

25 **(2)** on a commission or percentage basis;
26 only if the employment is expressly authorized by statute or is
27 found by the chief executive officer to be necessary to the public
28 interest.

29 **(b)** If a person's employment under subsection (a) is not
30 expressly authorized by statute, the contract for the person's
31 employment must be filed with the circuit court for the county, and
32 the person must file the person's claims for compensation with that
33 court. Any taxpayer may contest a claim under this section.

34 **(c)** A chief executive officer who recklessly violates this section
35 commits a Class C misdemeanor and forfeits the person's office.

36 **Sec. 14.** The chief executive officer shall appear before the
37 legislative body of the county at least once each month and at other
38 times as needed to conduct all necessary county business.

39 **Sec. 15. (a)** A party to a proceeding before the chief executive
40 officer who is aggrieved by a decision of the chief executive officer
41 may appeal that decision to the circuit court for the county.

42 **(b)** A person who is not a party to a proceeding before the chief

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executive officer may appeal a decision of the chief executive officer only if the person files with the county auditor an affidavit:

- (1) specifically setting forth the person's interest in the matter decided; and
- (2) alleging that the person is aggrieved by the decision of the chief executive officer.

(c) An appeal under this section must be taken not later than thirty (30) days after the chief executive officer makes the decision by which the appellant is aggrieved.

(d) An appellant under this section must file with the county auditor a bond conditioned on due prosecution of the appeal. The bond is subject to approval by the county auditor and must be in an amount sufficient to provide security for court costs.

(e) Not later than twenty (20) days after the county auditor receives the appeal bond, the county auditor shall prepare a complete transcript of the proceedings of the chief executive officer related to the decision appealed from and shall deliver the transcript, all documents filed during the proceedings, and the appeal bond to the clerk of the circuit court.

Sec. 16. (a) An appeal under section 15 of this chapter shall be docketed among the other causes pending in the circuit court and shall be tried as an original cause.

(b) A court may decide an appeal under section 15 of this chapter by:

- (1) affirming the decision of the chief executive officer; or
- (2) remanding the cause to the chief executive officer with directions as to how to proceed;

and may require the chief executive officer to comply with this decision.

Sec. 17. (a) The county auditor or the chief executive officer may administer any oaths required by this chapter.

(b) The county sheriff or a county police officer shall attend the meetings of the chief executive officer, if requested by the chief executive officer, and shall execute the chief executive officer's orders.

Sec. 18. (a) Appointments made by the chief executive officer shall be certified by the county auditor, under the seal of the chief executive officer.

(b) If a copy of the chief executive officer's proceedings has been signed and sealed by the county auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the chief executive officer's proceedings.

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1 **Sec. 19. If publication of a notice, report, or statement of any**
 2 **kind is required and a county is liable for the cost of that**
 3 **publication, the chief executive officer may not make or pay for**
 4 **publication in more than one (1) newspaper unless publication in**
 5 **two (2) newspapers is required. A person who violates this section**
 6 **commits a Class C infraction.**

7 **Sec. 20. (a) The chief executive officer may employ and fix the**
 8 **compensation of an attorney to represent and advise the executive.**

9 **(b) For purposes of Article 2, Section 9 of the Constitution of the**
 10 **State of Indiana, employment by a chief executive officer as an**
 11 **attorney does not constitute a lucrative office.**

12 SECTION 36. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
 13 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2009]: Sec. 4. (a) This subsection does not apply to a county
 15 having a population of:

- 16 (1) more than four hundred thousand (400,000) but less than
 17 seven hundred thousand (700,000); or
 18 (2) more than two hundred thousand (200,000) but less than three
 19 hundred thousand (300,000).

20 The county executive **(before January 1, 2013) or the county council**
 21 **(after December 31, 2012)** shall, by ordinance, divide the county into
 22 four (4) contiguous, single-member districts that comply with
 23 subsection (d). If necessary, the county auditor shall call a special
 24 meeting of the executive **(before January 1, 2013) or the county**
 25 **council (after December 31, 2012)** to establish or revise districts. One
 26 (1) member of the fiscal body shall be elected by the voters of each of
 27 the four (4) districts. Three (3) at-large members of the fiscal body
 28 shall be elected by the voters of the whole county.

29 (b) This subsection applies to a county having a population of more
 30 than four hundred thousand (400,000) but less than seven hundred
 31 thousand (700,000). The county redistricting commission established
 32 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 33 districts that comply with subsection (d). One (1) member of the fiscal
 34 body shall be elected by the voters of each of these seven (7)
 35 single-member districts.

36 (c) This subsection applies to a county having a population of more
 37 than two hundred thousand (200,000) but less than three hundred
 38 thousand (300,000). The fiscal body shall divide the county into nine
 39 (9) single-member districts that comply with subsection (d). Three (3)
 40 of these districts must be contained within each of the three (3) districts
 41 established under IC 36-2-2-4(c). One (1) member of the fiscal body
 42 shall be elected by the voters of each of these nine (9) single-member

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1 districts.

2 (d) Single-member districts established under subsection (a), (b), or
3 (c) must:

4 (1) be compact, subject only to natural boundary lines (such as
5 railroads, major highways, rivers, creeks, parks, and major
6 industrial complexes);

7 (2) not cross precinct boundary lines;

8 (3) contain, as nearly as possible, equal population; and

9 (4) include whole townships, except when a division is clearly
10 necessary to accomplish redistricting under this section.

11 (e) A division under subsection (a), (b), or (c) shall be made:

12 (1) during the first year after a year in which a federal decennial
13 census is conducted; and

14 (2) when the county executive adopts an order declaring a county
15 boundary to be changed under IC 36-2-1-2.

16 (f) A division under subsection (a), (b), or (c) may be made in any
17 odd-numbered year not described in subsection (e).

18 **(g) This subsection applies after December 31, 2012, to county**
19 **having a population of more than two hundred thousand (200,000)**
20 **but less than three hundred thousand (300,000). A court may issue**
21 **an order, before final hearing, to stay an election if there is**
22 **sufficient evidence to withstand a motion for summary judgment**
23 **that the county has not been divided into districts that comply with**
24 **this section. A preliminary hearing on the question may be held**
25 **upon the court's own motion. Final judgment on the merits in such**
26 **a case shall be made not later than thirty (30) days after the stay of**
27 **election order. If the redistricting is found not to be in compliance**
28 **with law, the court shall retain jurisdiction and shall order the**
29 **proper officials to submit not later than thirty (30) days a**
30 **redistricting plan complying with law. If the proper officials fail to**
31 **comply with the order, the court shall order the Indiana election**
32 **commission to divide the county into districts in compliance with**
33 **law.**

34 SECTION 37. IC 36-2-3.5-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Before January**
36 **1, 2013,** this chapter applies to:

37 (1) a county having a population of:

38 (A) more than four hundred thousand (400,000) but less than
39 seven hundred thousand (700,000); or

40 (B) more than two hundred thousand (200,000) but less than
41 three hundred thousand (300,000); and

42 (2) any other county not having a consolidated city, if both the

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county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

(b) After December 31, 2012, this chapter applies only to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

SECTION 38. IC 36-2-3.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 3.6. County Managers

Sec. 1. (a) This chapter applies after December 31, 2012, to a county that has a board of county supervisors elected under IC 36-2-3.8 as the county executive, legislative, and fiscal body.

(b) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. (a) The board of county supervisors of a county subject to this chapter must after December 31, 2012, employ a county manager to be the administrative head of the county government.

(b) The board of county supervisors shall determine the county manager's compensation and terms of employment.

(c) The county manager may be employed to serve:

- (1) at the pleasure of the board of county supervisors; or**
- (2) for a definite tenure not to exceed the longest remaining term in office of a member of the board of county supervisors, in which case the county manager may be dismissed only for cause.**

Sec. 3. The board of county supervisors may not employ one of its members as the county manager.

Sec. 4. The board of county supervisors may only employ an individual as the county manager who has attained:

- (1) credentialed manager status; or**
- (2) credentialed manager candidate status;**

from the International City/County Management Association. An individual who has credentialed manager candidate status may not continue employment as county manager with the county unless the individual attains credentialed manager status not later than two (2) years after the date the individual is employed as county manager.

Sec. 5. The county manager must, in the manner prescribed by IC 5-4-1, execute a bond for the faithful performance of the county manager's duties.

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1 **Sec. 6. The board of county supervisors may appoint a person**
 2 **to perform the duties of the county manager whenever the county**
 3 **manager is absent or unable to perform the county manager's**
 4 **duties.**

5 **Sec. 7. The board of county supervisors may not authorize the**
 6 **county manager to issue or execute bonds, notes, or warrants of the**
 7 **county.**

8 **Sec. 8. The county manager, under the direction of the board of**
 9 **county supervisors, is responsible for the administrative duties of**
 10 **the county council. Unless a written order or ordinance of the**
 11 **board of county supervisors provides otherwise, the county**
 12 **manager:**

13 (1) **shall attend the meetings of the board of county**
 14 **supervisors and recommend actions the county manager**
 15 **considers advisable;**

16 (2) **shall hire county employees according to the pay schedules**
 17 **and standards fixed by the board of county supervisors or by**
 18 **statute;**

19 (3) **shall suspend, discharge, remove, or transfer county**
 20 **employees, if necessary for the welfare of the county;**

21 (4) **may delegate any of the county manager's powers to an**
 22 **employee responsible to the county manager;**

23 (5) **shall administer and enforce all ordinances, orders, and**
 24 **resolutions of the board of county supervisors;**

25 (6) **shall see that all statutes that are required to be**
 26 **administered by the board of county supervisors or a county**
 27 **officer subject to the control of the board of county**
 28 **supervisors are faithfully administered;**

29 (7) **shall prepare budget estimates and submit them to the**
 30 **board of county supervisors when required;**

31 (8) **shall execute contracts on behalf of the county for**
 32 **materials, supplies, services, or improvements, after the**
 33 **completion of the appropriations, notice, and competitive**
 34 **bidding required by statute; and**

35 (9) **may receive service of summons on behalf of the county.**

36 **Sec. 9. The county manager may not serve as a member of any**
 37 **body that hears disciplinary charges against a member of the**
 38 **county police department.**

39 **SECTION 39. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE**
 40 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 41 **JULY 1, 2009]:**

42 **Chapter 3.7. County Council as the County Legislative Body**

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1 **Sec. 1. (a) This chapter applies after December 31, 2012, to each**
 2 **county:**

3 **(1) that does not have a consolidated city; and**

4 **(2) in which:**

5 **(A) the county legislative body makes a determination**
 6 **under IC 36-2-2.4; or**

7 **(B) a majority of the voters voting on the public question**
 8 **under IC 36-2-3.9 make a determination;**

9 **that the county executive is a single elected chief executive**
 10 **officer.**

11 **(b) This chapter does not apply to a county having a population**
 12 **of more than four hundred thousand (400,000) but less than seven**
 13 **hundred thousand (700,000).**

14 **Sec. 2. As used in this chapter, "chief executive officer" means**
 15 **the chief executive officer of a county elected under IC 3-10-2-13**
 16 **in a county subject to IC 36-2-2.5.**

17 **Sec. 3. The executive and legislative powers of a county are**
 18 **divided between separate branches of county government. A power**
 19 **belonging to one (1) branch of county government may not be**
 20 **exercised by the other branch of county government.**

21 **Sec. 4. (a) After December 31, 2012, in a county subject to this**
 22 **chapter, the county council elected under IC 36-2-3 is the county**
 23 **legislative body as well as the county fiscal body.**

24 **(b) After December 31, 2012, in a county subject to this chapter,**
 25 **the chief executive officer is the county executive of the county. The**
 26 **chief executive officer of the county has the executive and**
 27 **administrative powers and duties of the county as provided in**
 28 **IC 36-2-2.5.**

29 **Sec. 5. (a) All powers and duties of the county that are legislative**
 30 **in nature shall be exercised or performed by the county council**
 31 **functioning as the county legislative body.**

32 **(b) The county council has the same legislative powers and**
 33 **duties that the board of county commissioners in the county had**
 34 **before the board of county commissioners was abolished.**

35 **Sec. 6. The county council may do any of the following:**

36 **(1) Establish committees that are necessary to carry out the**
 37 **county council's functions.**

38 **(2) Employ legal and administrative personnel necessary to**
 39 **carry out the county council's functions.**

40 **(3) Pass all ordinances, orders, resolutions, and motions for**
 41 **the government of the county, in the manner prescribed by**
 42 **IC 36-2-4.**

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(4) Receive gifts, bequests, and grants from public or private sources.

(5) Conduct investigations into the conduct of county business for the purpose of correcting deficiencies and ensuring adherence to law and county ordinances and policies.

(6) Establish, by ordinance, new county departments, divisions, or agencies whenever necessary to promote efficient county government.

SECTION 40. IC 36-2-3.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 3.8. Board of County Supervisors as the County Executive, County Legislative Body, and County Fiscal Body

Sec. 1. (a) Except as specifically provided by law, this chapter applies after December 31, 2012, to each county:

(1) that does not have a consolidated city; and

(2) in which:

(A) the county legislative body makes a determination under IC 36-2-2.4; or

(B) a majority of the voters voting on the public question under IC 36-2-3.9 make a determination;

that the board of county supervisors is the county executive, the county legislative body, and the county fiscal body.

(b) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. In a county subject to this chapter, the board of county supervisors:

(1) is the county executive, the county legislative body, and the county fiscal body;

(2) shall exercise the executive, legislative, and fiscal powers of the county;

(3) has the same executive and administrative powers and duties as are specified for a chief executive officer in a county subject to IC 36-2-2.5;

(4) has the same legislative powers and duties as are specified for a county council in a county subject to IC 36-2-3.7; and

(5) has the same fiscal powers and duties as are specified for a county council under IC 36-2-3.

Sec. 3. (a) In a county subject to this chapter:

(1) the voters of the county shall elect a board of county supervisors under the provisions of IC 36-2-3 that apply to the

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election of a county council;

(2) the board of county commissioners for the county is abolished January 1, 2013;

(3) notwithstanding IC 36-2-2, the term of each county commissioner elected in 2010 is two (2) years rather than four (4) years;

(4) notwithstanding IC 36-2-2, the term of each county commissioner serving on December 31, 2012, expires at the end of that day;

(5) notwithstanding IC 36-2-3, the term of each county council member elected in 2010 is two (2) years rather than four (4) years; and

(6) notwithstanding IC 36-2-3, the term of each county council member serving on December 31, 2012, expires at the end of that day.

(b) Except as provided in subsections (c), (d), and (e), the term of office of a board of county supervisors member elected under this chapter is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(c) To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected at-large under this chapter in 2012 shall be two (2) years, beginning January 1, 2013, and continuing until a successor is elected and qualified. For board of county supervisors members elected at-large under this chapter in 2014 and thereafter, the term of office is four (4) years.

(d) This subsection applies if this chapter applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) that has board of county supervisors members elected from nine (9) single-member districts. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected under this chapter in 2012 from four (4) districts (as specified by the county council before January 1, 2012) shall be four (4) years, beginning January 1, 2013, and continuing until a successor is elected and qualified, and the initial term of office of the initial members of the board of county supervisors elected under this chapter in 2012 from the other five (5) districts (as specified by the county council before January 1, 2012) shall be two (2) years.

(e) This subsection applies if this chapter applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) that has board of

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1 county supervisors members elected from seven (7) single-member
 2 districts. To provide for staggered terms, the term of office of the
 3 initial members of the board of county supervisors elected under
 4 this chapter in 2012 from three (3) (as specified by the county
 5 council before January 1, 2012) shall be four (4) years, beginning
 6 January 1, 2013, and continuing until a successor is elected and
 7 qualified, and the initial term of office of the initial members of the
 8 board of county supervisors elected under this chapter in 2012
 9 from the other four (4) (as specified by the county council before
 10 January 1, 2012) shall be two (2) years.

11 (f) On January 1, 2013, in a county subject to this chapter, all of
 12 the property, assets, funds, equipment, records, rights, contracts,
 13 obligations, and liabilities of the board of county commissioners of a
 14 county are transferred to or assumed by the board of county
 15 supervisors.

16 (g) The abolishment of the board of county commissioners of a
 17 county on January 1, 2013, does not invalidate:

18 (1) any ordinances, resolutions, fees, schedules, or other
 19 actions adopted or taken by the board of county
 20 commissioners before January 1, 2013; or

21 (2) any appointments made by the board of county
 22 commissioners before January 1, 2013.

23 Sec. 4. (a) For purposes of a county subject to this chapter, after
 24 December 31, 2012, any reference:

25 (1) in the Indiana Code;

26 (2) in the Indiana Administrative Code; or

27 (3) in an ordinance or resolution;

28 to the board of commissioners pertaining to the executive powers
 29 of a county shall be considered a reference to the board of county
 30 supervisors of the county. For purposes of a county subject to this
 31 chapter, after December 31, 2012, any reference in the Indiana
 32 Code related to the executive powers and duties of the board of
 33 county commissioners shall, for purposes of a county subject to this
 34 chapter, be considered a reference to the powers and duties of the
 35 board of county supervisors of the county.

36 (b) For purposes of a county subject to this chapter, after
 37 December 31, 2012, any reference:

38 (1) in the Indiana Code;

39 (2) in the Indiana Administrative Code; or

40 (3) in an ordinance or resolution;

41 to the county council shall be considered a reference to the board
 42 of county supervisors of the county. For purposes of a county

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subject to this chapter, after December 31, 2012, any reference in the Indiana Code related to the legislative and fiscal powers and duties of the county council shall, for purposes of a county subject to this chapter, be considered a reference to the powers and duties of the board of county supervisors of the county.

SECTION 41. IC 36-2-3.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 3.9. Public Question on Reorganization of County Government

Sec. 1. (a) This chapter does not apply to the following:

- (1) A county having a consolidated city.
- (2) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. Except as provided in section 1 of this chapter, this chapter applies to the following counties:

- (1) A county in which the county legislative body has adopted a resolution under IC 36-2-2.4 specifying that the voters of the county shall decide the structure of county government in a public question.
- (2) A county in which the county legislative body fails to adopt a resolution under IC 36-2-2.4-2 before November 15, 2009.

Sec. 3. In a county to which this chapter applies, the following public question shall be placed on the ballot at 2010 general election held in the county:

"Choose only one of the following options for the reorganization of the county government of _____ (insert the name of the county) County:

- (___) The county government shall be reorganized to place executive powers in a single elected county executive and to place legislative powers in the county council.
- (___) The county government shall be reorganized to place executive, legislative, and fiscal powers in a board of county supervisors, and a separate county executive shall not be elected."

Sec. 4. IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter.

Sec. 5. (a) If a majority of the voters who vote on the public question vote in favor of reorganizing county government to place executive powers in a single elected county executive and to place legislative powers in the county council, IC 36-2-2.5 applies to the

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1 county.

2 (b) If a majority of the voters who vote on the public question
3 vote in favor of reorganizing county government to place executive,
4 legislative, and fiscal powers in a board of county supervisors, and
5 to not have a separate elected county executive, IC 36-2-3.8 applies
6 to the county.

7 SECTION 42. IC 36-2-4-8 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) An ordinance,
9 order, or resolution is considered adopted when it is signed by the
10 presiding officer. If required, an adopted ordinance, order, or resolution
11 must be promulgated or published according to statute before it takes
12 effect.

13 (b) An ordinance prescribing a penalty or forfeiture for a violation
14 must, before it takes effect, be published once each week for two (2)
15 consecutive weeks, according to IC 5-3-1. However, if such an
16 ordinance is adopted by the legislative body of a county subject to
17 IC 36-2-3.5, IC 36-2-3.7 (after December 31, 2012), or IC 36-2-3.8
18 (after December 31, 2012) and there is an urgent necessity requiring
19 its immediate effectiveness, it need not be published if:

- 20 (1) the county executive proclaims the urgent necessity; and
21 (2) copies of the ordinance are posted in three (3) public places in
22 each of the districts of the county before it takes effect.

23 (c) In addition to the other requirements of this section, an
24 ordinance or resolution passed by the legislative body of a county
25 subject to IC 36-2-3.5 is considered adopted only if it is:

- 26 (1) approved by signature of a majority of the county executive;
27 (2) neither approved nor vetoed by a majority of the executive
28 within ten (10) days after passage by the legislative body; or
29 (3) passed over the veto of the executive by a two-thirds (2/3)
30 vote of the legislative body, within sixty (60) days after
31 presentation of the ordinance or resolution to the executive.

32 (d) After an ordinance or resolution passed by the legislative body
33 of a county subject to IC 36-2-3.5 has been signed by the presiding
34 officer, the county auditor shall present it to the county executive, and
35 record the time of the presentation. Within ten (10) days after an
36 ordinance or resolution is presented to it, the executive shall:

- 37 (1) approve the ordinance or resolution, by signature of a majority
38 of the executive, and send the legislative body a message
39 announcing its approval; or
40 (2) veto the ordinance or resolution, by returning it to the
41 legislative body with a message announcing its veto and stating
42 its reasons for the veto.

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(e) This section does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

SECTION 43. IC 36-2-15-2, AS AMENDED BY P.L.88-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) **Except as provided in subsection (e)**, a county assessor shall be elected under IC 3-10-2-13 by the voters of the county.

(b) To be eligible to serve as an assessor, a person must meet the qualifications prescribed by IC 3-8-1-23.

(c) A county assessor must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the county.

(d) The term of office of a county assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected **(or, subject to subsection (e), appointed by the county executive)** and qualified.

(e) In a county not having a consolidated city, a county assessor shall not be elected after the 2010 election. Notwithstanding subsection (d), in a county not having a consolidated city the term of office of a county assessor elected at the 2010 election expires January 1, 2013. After December 31, 2012, the county assessor of a county not having a consolidated city shall be appointed as follows:

(1) In a county that has a board of county supervisors elected under IC 36-2-3.8, the county council shall appoint an individual to serve as county assessor for the county.

(2) In a county that has a single county chief executive officer elected under IC 36-2-2.5, the chief executive officer shall nominate and the county council shall appoint an individual to serve as county assessor for the county.

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(3) In a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of commissioners shall nominate and the county council shall appoint an individual to serve as county assessor for the county.

An individual may not be appointed as county assessor under this subsection after December 31, 2012, unless the individual has attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

SECTION 44. IC 36-2-15-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) This section applies after December 31, 2012.

(b) As used in this section, "relative" means:

- (1) a husband;
- (2) a wife;
- (3) a father;
- (4) a mother;
- (5) a son or son-in-law;
- (6) a daughter or daughter-in-law;
- (7) a brother;
- (8) a sister;
- (9) an aunt;
- (10) an uncle;
- (11) a niece; or
- (12) a nephew.

(c) Except as provided in subsection (f), an individual who is a relative of:

- (1) a member of the county council (if any);
- (2) the county chief executive officer elected under IC 36-2-2.5 (if any);
- (3) a member of the board of commissioners (if any); or
- (4) a member of the board of county supervisors (if any);

may not be appointed to serve as county assessor for the county.

(d) Except as provided in subsection (g), an individual who is a relative of an appointed county assessor may not:

- (1) be employed in any position with the office of the county assessor; or
- (2) receive any compensation for services from the office of county assessor.

(e) An individual may not be employed in the office of county assessor in a position in which the individual would have a direct

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1 supervisory or subordinate relationship with the individual's
2 relative.

3 (f) This section does not apply to an individual employed as
4 county assessor for at least twelve (12) consecutive months before
5 the election or appointment of the individual's relative as:

- 6 (1) a member of the county council (if any);
- 7 (2) the county chief executive officer elected under IC 36-2-2.5
8 (if any);
- 9 (3) a member of the board of commissioners (if any); or
- 10 (4) a member of the board of county supervisors (if any).

11 (g) This section does not apply to an individual employed in the
12 office of county assessor for at least twelve (12) consecutive months
13 before the appointment of the individual's relative as the county
14 assessor.

15 (h) This section does not require the termination or
16 reassignment of any employee of a political subdivision from any
17 position held by that individual before January 1, 2013.

18 SECTION 45. IC 36-3-3-10 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The board of
20 commissioners of the county is composed of the county treasurer, the
21 county auditor, and the county assessor. These officers shall serve ex
22 officio as commissioners without additional compensation for
23 performing the duties of the board.

24 (b) The board of commissioners:

- 25 (1) shall make the appointments required by statute to be made by
26 the board of commissioners of a county;
- 27 (2) shall perform the duties and exercise the powers prescribed by
28 statutes pertaining to the issuance and payment of bonds of the
29 county and the expenditure of the unexpended proceeds of those
30 bonds; and
- 31 (3) may exercise the powers granted it by Article 9, Section 3 of
32 the Constitution of the State of Indiana and by IC 12-30-3.

33 (c) Notwithstanding any other provision, an act enacted by the
34 general assembly during the first regular session of the one
35 hundred sixteenth general assembly to provide for:

- 36 (1) a single elected county chief executive officer after
37 December 31, 2012; or
- 38 (2) a board of county supervisors elected under IC 36-2-3.8
39 that is the county executive, county legislative body, and
40 county fiscal body;

41 in certain counties not containing a consolidated city does not
42 (except as specifically provided by law) affect the rights, powers,

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1 **and duties of the board of commissioners in a county containing a**
 2 **consolidated city.**
 3 SECTION 46. THE FOLLOWING ARE REPEALED [EFFECTIVE
 4 JULY 1, 2009]: IC 8-17-4.1-5; IC 8-17-4.1-6; IC 8-17-4.1-7;
 5 IC 8-17-4.1-8; IC 33-32-3-6; IC 36-1.5-4-12; IC 36-2-9-11;
 6 IC 36-2-10-16; IC 36-3-5-11.
 7 SECTION 47. [EFFECTIVE JULY 1, 2009] (a) **The legislative**
 8 **services agency shall prepare, as directed by the legislative council,**
 9 **legislation for introduction in the 2010 regular session of the**
 10 **general assembly to organize and correct statutes affected by this**
 11 **act, if necessary.**
 12 (b) **This SECTION expires July 1, 2010.**
 13 SECTION 48. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 506, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 506 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 5.

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